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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,187

12/30/2005

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1043-005

5857

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12/24/2009

EXAMINER

LE, NANCY LOAN T

ART UNIT

PAPER NUMBER

3621

MAIL DATE

DELIVERY MODE

12/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/563,187	DE JANASZ, CHRISTOPHER G.	
	Examiner	Art Unit	
	NANCY T. LE	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action (mailed 12 May 2009) has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 September 2009 has been entered.

Acknowledgements

Applicant's Amendment filed along with the RCE on 29 September 2009 is entered and acknowledged.

All references to the capitalized versions of "Applicants" refer specifically to the Applicants of record. Any references to lower case versions of "applicant" or "applicants" refer to any or all patent "applicants". Unless expressly noted otherwise, references to "Examiner" refers to the Examiner of record while reference to or use of the lower case version of "examiner" or "examiners" refers to examiner(s) generally.

This paper is given Paper No. 20091214 by the Examiner. This Paper No. is for reference purposes only.

Status of Claims

Claims 1-34 have been examined and pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-20, 29-34 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,158,655 (DeVries, Jr.; hereafter “DeVries”) in view of US Patent No. 6,484,260 (Scott), and further in view of U.S. Patent Application Publication No. 2003/0220835 A1 (Barnes, Jr.; hereafter “Barnes”).

DeVries discloses a computer-implemented method and system, comprising:

- receiving a signal from a vehicle-powered non-telephonic wireless transmitter fixedly attached to a vehicle, the signal comprising an unique identifier (i.e., the vehicle owner code (bar code)), the unique identifier not comprising a financial account number or a user-provided PIN, the signal transmitted responsive to a predetermined input from a user (see DeVries at least the Abstract, C 1 L 59 – C 3 L 38, C 3 L 40 – C 4 L 5, C 6 L 3 – C 7 L 29);
- transmitting the unique identifier to a central processor adapted to, responsive to an automatic determination that the unique identifier is associated with a valid

- financial account, approve the proposed transaction (see DeVries at least the Abstract, C 1 L 59 – C 3 L 38, C 3 L 40 – C 4 L 5, C 6 L 3 – C 7 L 29); and
- receiving an approval from the central processor to complete the proposed transaction, the proposed financial transaction involving the valid financial account associated with the unique identifier (see DeVries at least the Abstract, C 1 L 59 – C 3 L 38, C 3 L 40 – C 4 L 5, C 6 L 3 – C 7 L 29);
 - requesting and receiving, respectively, the PIN from the user (see DeVries at least the Abstract, C 1 L 59 – C 3 L 38, C 3 L 40 – C 4 L 5, C 6 L 3 – C 7 L 29);
 - wherein encryption of the unique identifier utilizes a code-hopping technique (see DeVries at least the Abstract, C 1 L 59 – C 3 L 38, C 3 L 40 – C 4 L 5, C 6 L 3 – C 7 L 29);
 - wherein the proposed financial transaction comprises provision of a product, service, respectively (i.e., fuel/gas service, etc.);
 - polling for the signal;
- DeVries does not expressly disclose such a method and system comprising: the signal comprising an encrypted unique identifier.
- Scott**, however, teaches:
- ❖ the signal comprising an encrypted unique identifier (i.e., encrypted signal includes an identification code of the enrolled person or device – see **Scott** at least the Abstract, C 2 L 15-21), to protect data in transit, for example data being transferred via networks such as the Internet, e-commerce.

Therefore, it would have been obvious and motivated to an ordinary skill in the art at the time the invention was made to add the ‘*encryption*’ feature as taught in the personal identification system of Scott to the system disclosed in the DeVries reference, to protect data in transit, for example data being transferred via networks such as the Internet, e-commerce.

As the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, so, one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Neither DeVries nor Scott taken individually or in combination thereof teaches:

- ❖ *causing the information associated with the approval of the proposed financial transaction to be rendered to the user via a user interface.*

Barnes, however, teaches:

- ❖ *causing the information associated with the approval of the proposed financial transaction to be rendered to the user via a user interface* (i.e. “providing an indication of the satisfactory or unsatisfactory completion of the transaction to the user”; or “the device 101 transmits the indication of the success or failure of the transaction, to the automobile in which the user is riding for display on the vehicle's heads up display.” -- see **Barnes** at least the Abstract, paras. 128, 134), to notify the user of the result of the financial transaction.

Therefore, it would have been obvious and motivated to an ordinary skill in the art at the time the invention was made to add the feature:

“causing the information associated with the approval of the proposed financial transaction to be rendered to the user via a user interface”,

as taught in the system of Barnes to the combination of the systems of DeVries and Scott to notify the user of the result of the financial transaction.

As the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, so, one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Scott further teaches:

polling for the signal;

Barnes further teaches:

transmitting a request for or obtaining an approval of the proposed financial transaction (inherently included in paras. 130-131);

wherein the proposed financial transaction comprises provision of access to a physical location (i.e., access to a hotel – see Barnes at least para. 134);

wherein the proposed financial transaction comprises provision of a product, service, respectively (i.e., fuel/gas, hotel services, etc.);

receiving or providing an acknowledgment of fulfillment of the proposed financial transaction [to the transmitter/user] (see Barnes at least para. 134);

obtaining/transmitting/storing/reporting a rejection of the proposed financial transaction (see Barnes at least para. 134).

As per claim 6:

DeVries, Scott and Barnes, taken individually or in combination thereof teaches:

- ❖ the signal transmitted responsive to “*a predetermined number of headlight high beam switch activations **within a predetermined time interval***” .

Christensen ‘101, however, teaches an encoded signal transmitted from a vehicle-powered non-telephonic wireless transmitter fixedly attached to a vehicle, wherein the signal transmitted responsive to “*a predetermined number of headlight high beam switch activations **within a predetermined time interval***” (col. 3 line 63 – col. 5 line 9, col. 11 lines 1-4, col. 37 lines 1-19) to prevent inadvertent switch activations as well as to provide a number of other motivations provided in this prior art (col. 5 line 21 – col. 6 line 11).

Therefore, it would have been obvious to and motivated by an ordinary skill in the art at the time the invention was made to modify a method comprising all the limitation of claim 1 as taught in the DeVries v. Scott v. Barnes to add the aspect of “*a predetermined number of headlight high beam switch activations **within a predetermined time interval***” {claim 6} as taught by Christensen ‘101 to prevent inadvertent switch activations as well as to provide a number of other motivations provided in this prior art (col. 5 line 21 – col. 6 line 11).

Claims 21-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over DeVries v. Scott v. Barnes and further in view of US Patent No. 5,819,234 (Slavin et al.; hereinafter “Slavin”).

As per **claims 21-24**, DeVries v. Scott v. Barnes teach a method of approving a proposed financial transaction comprising all the limitations/features as shown in claim 15 above.

None of DeVries v. Scott v. Barnes taken individually or in combination thereof teaches such a method of approving a proposed financial transaction, the method further comprising transmitting a rejection of the proposed financial transaction responsive to the proposed financial transaction exceeding a predetermined amount (claim 21), responsive to a total amount associated with one or more financial transactions exceeding a predetermined amount (claim 22), responsive to the proposed financial transaction exceeding a predetermined amount for a predetermined counter-party (claim 23), responsive to the proposed financial transaction exceeding a predetermined amount for a predetermined time interval for a predetermined counter-party (claim 24).

Slavin, however, teaches a method of approving a proposed financial transaction, the method further comprising transmitting a rejection of the proposed financial transaction responsive to the proposed financial transaction exceeding a predetermined amount (claim 21), responsive to a total amount associated with one or more financial transactions exceeding a predetermined amount (claim 22), responsive to the proposed financial transaction exceeding a predetermined amount for a predetermined counter-party (claim 23), responsive to the proposed financial transaction exceeding a predetermined amount for a predetermined time interval for a predetermined counter-party (claim 24) (i.e., obtaining/transmitting a rejection of the

proposed financial transaction if the proposed transaction exceeds a predetermined amount for a predetermined counter-party – see Slavin at least col. 10 lines 5-13, to transmit or report the rejection of the proposed transaction).

Therefore, it would have been obvious to add those limitations taught in the Slavin reference above to the method of approving a proposed financial transaction taught in the combination of DeVries v. Scott v. Barnes references to transmit or report the rejection of the proposed transaction. Since the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claims 25 and 26**, DeVries v. Scott v. Barnes teach a method of approving a proposed financial transaction comprising all the limitations/features as shown in claim 15 above.

None of DeVries v. Scott v. Barnes taken individually or in combination thereof teaches such a method of approving a proposed financial transaction, the method further comprising transmitting a rejection of the proposed financial transaction responsive to a counter-party to the proposed financial transaction is a predetermined restricted counter-party.

Slavin, however, teaches a method of approving a proposed financial transaction, the method further comprising transmitting a rejection of the proposed financial transaction responsive to a counter-party to the proposed financial transaction is a predetermined restricted counter-party (The Office interprets a restricted counter-

party and restricted subject matter are motorist(s) {i.e., restricted counter-party} who has/have negative balance, i.e., who has no money left and further owes money, in his/her account against which the toll is charged/debited {i.e., restricted subject matter} – see Slavin, at least col. 10 lines 5-13 to obtain or transmit a rejection of the proposed financial transaction for a certain restricted counter-party or subject matter.).

Therefore, it would have been obvious to add those limitations taught in the Slavin reference above to the method of approving a proposed financial transaction taught in the combination of DeVries v. Scott v. Barnes references to transmit or report the rejection of the proposed transaction for a predetermined restricted counter-party or subject matter. Since the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claims 27 and 28**, DeVries v. Scott v. Barnes teach a method of approving a proposed financial transaction comprising all the limitations/features as shown in claim 15 above.

None of DeVries v. Scott v. Barnes taken individually or in combination thereof teaches such a method of approving a proposed financial transaction, the method further comprising transmitting a rejection of the proposed financial transaction responsive to a time of the proposed financial transaction is a predetermined restricted time/date.

Slavin, however, teaches a method of approving a proposed financial transaction, the method further comprising transmitting a rejection of the proposed financial transaction responsive to a time of the proposed financial transaction is a predetermined restricted time/date (Slavin, at least col. 10 lines 31-33. The Office interprets the toll system implicitly rejects the proposed financial transactions, i.e., toll charges generated from the same transponder within a given time period at geographically remote toll plazas, to transmit a rejection of the proposed financial transaction if the time of the proposed transaction is a predetermined date and time.).

Therefore, it would have been obvious to add those limitations taught in the Slavin reference above to the method of approving a proposed financial transaction taught in the combination of DeVries v. Scott v. Barnes references to transmit a rejection of the proposed financial transaction if the time of the proposed transaction is a predetermined date and time. Since the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to NANCY LOAN T. LE whose telephone number is **(571) 272-7066**. The

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examiner can normally be reached on Monday - Friday, 9am - 6:00pm Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDREW J. FISCHER can be reached on **(571) 272-6779**.

For official/regular communication, the fax number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

For informal/draft communication, the fax number is **(571) 273-7066 (Rightfax)**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197 (toll-free)**.

NANCY T. LE
Examiner, Art Unit 3621

/EVENS J. AUGUSTIN/
Primary Examiner, Art Unit 3621